

REMARKS/ARGUMENTS

This paper is responsive to the Final Office Action dated March 15, 2004, having a shortened statutory period expiring on June 15, 2004 wherein:

Claims 1-9, 11-16, 18-28, and 30-38 were previously pending in the application; and

Claims 1-9, 11-16, 18-28, and 30-38 were rejected.

In the present response to Office Action, no claims have been added or canceled, and claims 6 and 16 have been amended. Accordingly, claims 1-9, 11-16, 18-28, and 30-38 remain currently pending.

Rejection of Claims under 35 U.S.C. §102

In the present Office Action, claims 1, 5, and 6 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 4,617,017, issued to Hubbard et al. (hereinafter, "**Hubbard**"). While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have elected to traverse the claim rejections as follows. The following arguments are made without prejudice to Applicants' right to establish, for example in a continuing application, that the cited reference does not qualify as prior art with respect to an invention embodiment currently or subsequently claimed.

With regard to Applicants' claim 1, Applicants respectfully submit that **Hubbard** fails to teach an apparatus comprising:

a substrate having a first surface, wherein the first surface of the substrate contains a first plurality of fasteners of one of a plurality of hook and loop mechanisms; and
a cable fastener comprising a second plurality of fasteners of the one of the plurality of hook and loop mechanisms, wherein...the cable fastener is separate from the substrate...

as required by Applicants' claim 1 (emphasis supplied), and generally required by Applicants' claims 11 and 34. In the present Office Action, the Examiner indicates a first section 12 of a personal catheter leg strap 10 as teaching "a planar substrate" and a catheter tube securing strap 22 as teaching "a cable fastener" as claimed by Applicants. The Examiner further states in the present Office Action that,

In response to the applicant's arguments that the cable fastener of Hubbard et al. (Hubbard) is not separate from the substrate the examiner would like to point out that that separate by definition means "to divide into constituent parts" (Merriam Webster's Collegiate Dictionary tenth edition). Hubbard clearly discloses that the cable fastener (22) is a separate and individual part of the planar substrate (12). The cable fastener (22) and substrate (12) are also separate from one another since the cable fastener is attached to another part and not directly to the substrate

Applicants respectfully disagree. As an initial matter, Applicants believe the Examiner has confused the verb "separate" above with the adjective "separate" as used in Applicants' claim, the latter being defined, for example, by Merriam Webster's Dictionary (www.m-w.com) as "set or kept apart : DETACHED". Applicants further respectfully submit that first section 12 of personal catheter leg strap 10 and catheter tube securing strap 22 as taught by **Hubbard** are not "separate" from one another within the meaning of Applicants' claim. Rather, strap 22 and section 12 are fixed to one another via seam 16 such that a catheter tube may be securely fastened against surface 20 of personal catheter leg strap 10.

Under **Hubbard**'s teaching, the fixed relationship of strap 22 and section 12 is important to ensure the immobilization of a catheter tube following insertion, and consequently the health, safety, and comfort of a patient using the device. Similarly, because it is a catheter tube being secured, a greater degree of limitation (caused by the fixed relation between strap 22 and section 12) in potential positions and orientations is acceptable. By contrast, embodiments of the claimed invention provide a cable fastener which may be releasably coupled at any location and orientation on a substrate (see, e.g., Applicants' claim 6 and 16, as amended), thereby enabling cables (e.g., fiber optic cables) to be efficiently managed, re-organized, and added without damage.

Hubbard teaches a personal catheter leg strap (10) which includes a first section (12) of a gauze type material and a second section (14) of elastic type material joined together at a junction (16) for wrapping about a limb. **Hubbard** further teaches that catheter tube securing strap (22) is attached at one end thereof to the junction (16) (see **Hubbard**, Abstract, emphasis supplied). Accordingly, Applicants submit that as elements 12 and 14 of **Hubbard** are joined together at junction or seam 16 and are merely sections of a leg strap 10, and as catheter tube securing strap 22 of **Hubbard** is similarly attached to junction or seam 16, first section (12) of

personal catheter leg strap (10) and catheter tube securing strap 22 as taught by **Hubbard** may not be construed as being “separate” from one another.

Rejection of Claims under 35 U.S.C. §103

In the present Office Action, claims 1, 4-9, 11, 14-16, 18-23, 26-28, 30-34, and 36-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,501,020, issued to Grant et al. (hereinafter, “**Grant**”) in view of **Hubbard**, claims 2 and 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Hubbard** in view of U.S. Patent No. 5,671,511, issued to Hattori et al. (hereinafter, “**Hattori**”), and claims 2, 3, 12, 13, 24, 25 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Grant** in view of **Hubbard**, in further view of **Hattori**, claims 1, 4-9, 11, 14-16, 18-23, 26-28, 30-34, and 36-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,327,139, issued to Champion et al. (hereinafter, “**Champion**”), claims 2, 3, 12, 13, 24, 25 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Champion** in view of **Hubbard**, in further view of **Hattori**. Applicants respectfully disagree and traverse the rejection as follows.

With regard to Applicants’ claim 1, Applicants respectfully submit that for at least the reasons previously stated herein, the cited portions of neither **Hubbard**, **Grant**, **Champion**, nor **Hattori**, alone or in permissible combination, teach, show, or suggest, an apparatus comprising:

a substrate having a first surface, wherein the first surface of the substrate contains a first plurality of fasteners of one of a plurality of hook and loop mechanisms; and
a cable fastener comprising a second plurality of fasteners of the one of the plurality of hook and loop mechanisms, wherein...the cable fastener is separate from the substrate...

as required by Applicants’ claim 1 (emphasis supplied), and generally required by Applicants’ claims 11 and 34.

With regard to Applicants’ claim 23, Applicants further respectfully submit that the cited portions of **Hubbard**, **Grant**, **Champion**, and **Hattori**, alone or in combination fail to teach, show, or suggest,

a means for releasably engaging the cable fastener means...and

a cable routing apparatus comprising a frame means for supporting one or more fiber cables configured to releasably engage the means for releasably engaging the cable fastener means

as required by Applicants' claims 23-27, and/or

a cable fastener comprising a second plurality of fasteners of the one of the plurality of hook and loop mechanisms, wherein the cable fastener is configured to encircle one or more cables while being removably coupled to said substrate using said second plurality of fasteners,

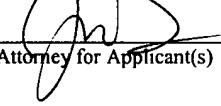
as required by Applicants' claim 38 (emphasis supplied). Applicants respectfully submit that any combination including the teaching of **Hubbard** (which requires catheter tube securing strap 22 to be securely fastened at one end via a junction or seam 16) would necessarily fail to teach, show, or suggest "a means for releasably engaging the cable fastener means" as required by Applicants' claims 23-27 and/or a cable fastener, "configured to encircle one or more cables while being removably coupled to said substrate..." as required by Applicants' claim 38.

As it is impermissible within the framework of §103, "to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary for the full appreciation of what such reference fairly suggests to one of ordinary skill in the art" (In re Hedges, 783 F.2d 1038, 228 USPQ 685, 687 (Fed. Cir 1986)), a combination of the teaching of **Hubbard** with that of **Grant**, although including a Velcro™-type surface 20 on belt 42 as suggested by the Examiner in the present Office Action, would also necessarily include a seam or junction between belt 42 and a securing strap 22. Consequently, no combination of **Hubbard** and **Grant** (or any of the Examiner's other cited reference for that matter) can be construed as teaching a means for releasably engaging an entire cable fastener means such that the cable fastener means can be completely separated from frame means configured to releasably engage the means for releasably engaging the cable fastener means as required by Applicants' claims.

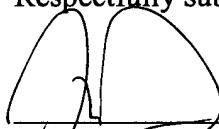
Applicants therefore respectfully submit that independent claims 1, 11, 23-27, 34, and 38 are allowable over the Examiner's cited references. All remaining claims depend directly or indirectly from claims 1, 11, 23-27, 34, or 38 and are therefore allowable for at least those reasons stated for the allowability of those claims.

CONCLUSION

Applicant(s) submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on <u>5-17-04</u> .	
	<u>5-17-04</u> Date of Signature
Attorney for Applicant(s)	

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